

Minutes of the Independence City Commission's April 28, 2016 Meeting.

The Independence City Commission met on April 28, 2016 at 5:30pm in the Veteran's Room at Memorial Hall. Mayor Gary Hogsett was present. Commissioners Leonhard Caflisch and Fred Meier were present. Others present included:

City Staff

Micky Webb, City Manager
Kelly Passauer, Assistant City Manager
Brenda Weaver, Deputy City Clerk
Jeff Chubb, City Attorney
David Cowan, Public Safety Director
Terry Lybarger, Director of Utilities
Jerry Harrison, Chief of Police
Russell Baker, Fire Chief
Mike Passauer, Public Works Director
April Nutt, Housing Director
Barbara Beurskens, Park & Zoo Director

Visitors

Debbie Miller	Brian Williams
Jerry Bright	Aaron Heckman
Colb Shelton	Doug Stacy
Jeffrey Coates	Dorcas Sutton
Charlotte Caflisch	Rod Pace
Larry McHugh	Mary Schmidt
Daniel Turr	Carolyn Torrance
Robert Meadows	Mr. Nelson
Lisa Richard	

Call to Order

The meeting was called to order by Mayor Gary Hogsett.

Pledge of Allegiance to the United States of America

Approval of the Agenda

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission approved the Agenda.

Aye: Hogsett, Meier, Caflisch

Nay: None

Citizens Concerns and Petitions

- Debbie Miller representing Seeking Responsible Spending LLC posed some questions concerning the City Attorney, Jeff Chubb and when he received a letter from Kautsch Law LLC. She stated that he violated Standard 801 of the City's "Code Of Ethics" in stating that the media outlets received copies of the letter before he did, and she also stated that Mr. Chubb owes an apology to members of the public and to Seeking Responsible Spending, LLC. She states that if the Commission takes no action on this violation, then it will have violated Standard 801 of that code by having allowed someone to which that code applies to mislead the public.

Mr. Chubb stated that he could clear this matter up immediately, as he was in Minnesota from Thursday through Saturday.

Adoption of the Consent Agenda

a. Appropriations

1. A-1765

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission authorized A-1765 for 745,700.40.

Aye: Hogsett, Meier, Caflisch

Nay: None

2. P-1728

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission authorized P-1728 for \$120,550.64

Aye: Hogsett, Meier, Caflisch

Nay: None

- b. Consider approving the minutes of the April 14, 2016 Commission meeting [CITIZENS].

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission approved the minutes of the April 14, 2016 Commission meeting.

Aye: Hogsett, Meier, Caflisch

Nay: None

- c. Consider a request from the VFW to authorize blocking off the 100 block of East Myrtle Street in front of the VFW on June 18, 2016 from noon to midnight for a Veterans Freedom Square fundraiser [CITIZENS].

Attached is an email from Kathy Shepard representing Veterans Freedom Square to block off the 100 block of East Myrtle in front of the VFW from noon until midnight on June 18, 2016 for a fund raiser. City staff recommends approval.

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission approved the request from the VFW to authorize blocking off the 100 block of East Myrtle Street in front of the VFW on June 18, 2016 from noon to midnight for Veterans Freedom Square fundraiser.

Aye: Hogsett, Meier, Caflisch

Nay: None

- d. Consider a request from ASTRA Arts Festival to reserve the gazebo park and parking lot across from City Hall on June 30, July 1 and July 2, 2016 from 11 AM to 2 PM each day for food vendors [CITIZENS].

Attached is a request from Don Farthing representing ASTRA Arts Festival requesting utilization of the gazebo and parking across from City Hall on June 30, July 1 and July 2, 2016 from 11 AM – 2 PM each day for food vendors. City staff recommends approval.

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch the Commission approved the request from ASTRA Arts Festival to reserve the gazebo park and parking lot across from City Hall on June 30, July1, and July 2, 2016 from 11AM – 2PM each day for food vendors

Aye: Hogsett, Meier, Caflisch

Nay: None

Items for Commission Action

- e. Consider ordinances amending the system development definitions and charges [CITIZENS].

Attached are two ordinances prepared by the City Attorney to amend the system development definitions and fees. The City Manager and/or City Attorney will review the attached ordinances with the Commission at the meeting.

Motion:

Commissioner Meier made a motion to approve the ordinance with exceptions to be noted.

Due to a lack of second, the motion failed.

This item was then tabled until the exceptions could be corrected.

- f. Consider a request from the American Legion to purchase City property adjoining the American Legion [CITIZENS].

The City has received the attached request from the American Legion to purchase lots adjoining the American Legion. City staff will review this request with the Commission at the meeting.

This item was tabled in order to discuss with the American Legion.

- g. Consider rezoning two tracts of land to C-4 with a conditional use permit for Medical clinics, outpatient services; Medical laboratory services and Hospital services at the following locations:

1. 510 (North) Peter Pan Road -- From City R-4, medium density multifamily to C-4, highway commercial district; and
2. 584 (North) Peter Pan Road -- From County, R-1 residential to C-4, highway commercial district

The Planning Commission held a Public Hearing on April 5, 2016 to consider this rezoning request with a conditional use permit. The Planning Commission voted 6-0 to accept staff's recommendation based on the criteria set forth in 902.2, "a through g" of the zoning code to approve the rezoning with a conditional use permit with the following conditions:

1. The conditional use permit is not transferable to another location and will be binding on all future owners, assigns or heirs.
2. The applicant will obtain all necessary City of Independence and State of Kansas permits to operate the uses proposed.

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3. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
4. Any additional exterior lighting on site will be designed in such a way that it will not be directed toward or create a nuisance to any adjoining properties. Such lighting will need to be approved by the Zoning Administrator.
5. To limit noise that could affect adjoining areas there shall be no outside audio or paging equipment that exceeds a volume level that can be heard at any of the adjoining properties.
6. The location of solid waste equipment shall be designed by the company and will need to be approved by City staff. All solid waste shall be kept in containers which shall be screened from adjoining properties.
7. Any off street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for parking of the customers and employees of the business. Such parking area may not be used for storage of vehicles, equipment or merchandise.
8. A drainage plan must be submitted by an engineer licensed in the State of Kansas to ensure that any increased runoff will be dealt with in such a way so as not to impose on nearby or downstream properties.
9. All property lines must be established by a surveyor licensed in the State of Kansas.
10. A detailed site plan and landscaping plan shall be submitted to and approved by City staff prior to any such work commencing.
11. All improvements will be maintained and kept in serviceable condition; and the property must be kept free of debris and trash.

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Ordinances 4220 and 4221 rezoning 510 and 584 N Peter Pan Road to C-4, Highway Commercial District.

Aye: Hogsett, Meier, Caflich

Nay: None

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Resolution 2016-016 authorizing a Conditional Use Permit for Medical Clinics, Outpatient Services; Medical Laboratory Services, and Hospital Services at 510 and 584 N Peter Pan Road.

Aye: Hogsett, Meier, Caflich

Nay: None

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- h. Consider a change order for a curb ramp at the northeast corner of 8th and Myrtle and two handicap parking stalls on 8th just north of Myrtle as requested by CRMC; and sidewalk repair as directed by the Commission [CITIZENS].

The first portion of this agenda item relating to the curb ramp and handicap parking spaces was tabled from the previous meeting; the second portion relating to sidewalk repairs was added at the request of the Commission. Attached is the modified change order which has been reviewed by the City's engineering consultant. The Commission should note that by City code the adjoining property owner is wholly responsible for the upkeep of the adjoining sidewalk. However, in the downtown area for projects contracted for by the City the adjoining property owner has traditionally been assessed 25% of the cost of the repairs and/or replacement of a deteriorated sidewalk. The portion of the change order for sidewalk repair is \$1,750 of which 25% would equate to \$437.50. One exception to this policy was the replacement of the Independence Historical Museum sidewalks which the City funded in its entirety as the museum is a non-profit entity that the City provides annual support for. If the Commission wishes to proceed, then City staff recommends authorizing the change order and authorizing the City Clerk to bill the property owner for their share of the sidewalk repair, which is \$437.50.

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission approved a change order for of \$8,900.00 to replace the sidewalk at 8th & Myrtle pending the receipt of 25% payment from the property owners or tenants. The City Clerk will bill the property owners for their share of the cost of the sidewalk replacement.

Aye: Hogsett, Meier, Caflisch

Nay: None

- i. Consider setting the date of June 23, 2016 at 5:30 PM for public hearings to consider condemnation of the following structures as dangerous and unsafe:
 - 1. 223 W. Main

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the Commission adopted Resolution 2016-013 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 223 W Main as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

2. 311 S. 14th

Jeffrey Coates spoke on the condition of this house and the Pedophiles, Drug Users and dangerous people going in and out at all hours.

Motion:

On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the Commission declared 311 S 14th an imminent danger to public safety and authorized staff to set the date for removal.

Aye: Hogsett, Meier, Caflisch

Nay: None

3. 321 S. 14th

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-007 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 321 S 14th as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

4. 502 S. 16th

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission declared 502 S 16th an imminent danger to public safety and authorized staff to set the date for removal.

Aye: Hogsett, Meier, Caflisch

Nay: None

5. 504 S. 18th

Motion:

On the motion of Mayor Hogsett, seconded by Commissioner Meier, the Commission adopted Resolution 2016-009 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 504 S 18th as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

6. 505 S. 2nd

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-012 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 505 S 2nd as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

7. 508 S. 16th

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-011 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 508 S 16th as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

8. 804 W. Main

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the Commission adopted Resolution 2016-008 setting the date of June 23, 2016 at 5:30 PM for a public hearing to consider condemnation of 804 W Main as dangerous and unsafe.

Aye: Hogsett, Meier, Caflisch

Nay: None

9. 921 W. Main

Motion:

On the motion of Commissioner Meier, seconded by Mayor Hogsett, the Commission declared 921 W Main an imminent danger to public safety and authorized staff to set the date for removal.

Aye: Hogsett, Meier, Caflisch

Nay: None

City staff will review the above structures at the meeting. If the Commission wishes to proceed, it is recommended that the attached resolutions be adopted setting the date of June 23, 2016 at 5:30 PM for public hearings to consider condemnation of those structures as dangerous and unsafe.

- j. Consider reviewing the condition of the following structures previously condemned as dangerous and unsafe:

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1. 200 S. 9th

This house has a new owner and April Nutt reported that they have a 60 day time line and are on schedule. They will be allowed to proceed with renovations.

2. 400 W. Maple/121 S. 10th

April Nutt reported that this owner needs to be contacted and recommended allowing 60 days to proceed.

The condition of the above structures will be reviewed at the meeting.

Reports

- k. Report on Air Methods [CITIZENS].

Public Safety Director David Cowan will provide a report at the meeting.

Public Safety Director David Cowan reported and introduced Rod Pace who answered questions and clarified some misunderstandings about the Helicopter Service. It was reported that the Helicopter comes from Pryor Oklahoma and when they get a call from Independence, it takes 16 minutes to get in the air, and 1hr 10 minutes to get to Independence. We do not sit and wait for a helicopter, we will meet them somewhere in between Independence and the patient's destination.

- l. Report on City Board Minutes [CITIZENS].

See attached meeting minutes in your packet from the Park Board and Housing Authority.

Commission Comments:

From the Mayor:

1. Girl Scout Little House – It is in the flood plain and needs an elevation certificate in order to be insured. City does not have any type of permit for a Wedding Chapel.
2. Miniature Train – Barb Beurskens reported that the train was in an accident and needs repairs and a new paint job to be paid for by insurance . The total is \$7,551 but the cost to the city will be \$865.00. Scott Mills is working on the repairs now.
3. Bear Pen – Barb Beurskens reported that the bear pen is secure for 3 bears as it has been the home of 2 bears for several years. The new Brown Bears are "hot wire trained" and there is a hot wire on the top of the fence and a new one will be installed on the bottom of the fence and it will be tested every day before the bears will be allowed into the pen.
4. Water Bill Error – Brenda Weaver reported that there was a glitch in the computer system between the file that was sent and the file that was used for billing in the month of March. The 2015 file was used for the first billing, which was deleted and the correct file used for the second billing.

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5. Red Paint on the sidewalk – Mike Passauer explained that Westar used the red paint to mark their utilities. Mayor Hogsett suggested that we contact Westar and get them to remove the paint.
6. Town & Country – Mike Passauer reported that the building will be torn down next week.

Executive Session:

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission called a 15 minute Executive Session according to Kansas Statute 75-4319 (b) (1) for the purpose of discussing personnel matters of non-elected personnel to end at 7:55pm. The Executive Session included Mayor Caflisch, Commissioner Meier, and Commissioner Hogsett.

Aye: Caflisch, Hogsett, Meier

Nay: None

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission called a 15 minute Executive Session according to Kansas Statute 75-4319 (b) (1) for the purpose of discussing personnel matters of non-elected personnel to end at 8:10pm. The Executive Session included Mayor Caflisch, Commissioner Meier, and Commissioner Hogsett and Micky Webb.

Aye: Caflisch, Hogsett, Meier

Nay: None

Adjournment:


Motion:

On the motion of Mayor Hogsett seconded by Commissioner Meier the commission adjourned the meeting.

Aye: Hogsett, Meier, Caflisch

Nay: None

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Gary Hogsett, Mayor

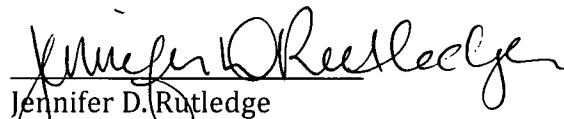


Fred Meier, Commissioner



Leonhard Caflisch, Commissioner

Attest:



Jennifer D. Rutledge
City Clerk

Request to Address the City Commission



Name:

Debbie Miller

Agenda item you wish to address: Letter: ____; or

Public concern you wish to address:

Possible violation of
Code of Ethics

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No

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Attendance Sheet
Independence City Commission Meeting
April 28, 2016

PLEASE PRINT

	Name	Address
1	Jerry Bright	201 S 13 th
2	Jeffrey Coates	317 S. 14 th
3	Col. Snider	317 S. 14 th
4	Larry McHugh	
5	Daniel Turner	102 S 1st
6	Debbie Miller	P.O. Box 571, City
7	Robert Meadows	3893 S. 4100 St. city
8	Brian Williams	1912 S. US Hwy 59
9	Aaron Heckman	1900 Eisenhower
10	Dorcas Miller	1201 N 5 th
11	Rod Pace	PO Box 610 620th city mo
12	Mary Schmidt	1001 N. 2nd
13	Carolyn Torrance	230 Lakewood Dr
14	Doug Stray	3325 Crown Drive Ind. KS
15	Lisa Richard	311 N 2nd St.
16	Charlotte Caplioch	600 S. 5 th
17		
18		